Texting and Other Phone Manipulation While Driving

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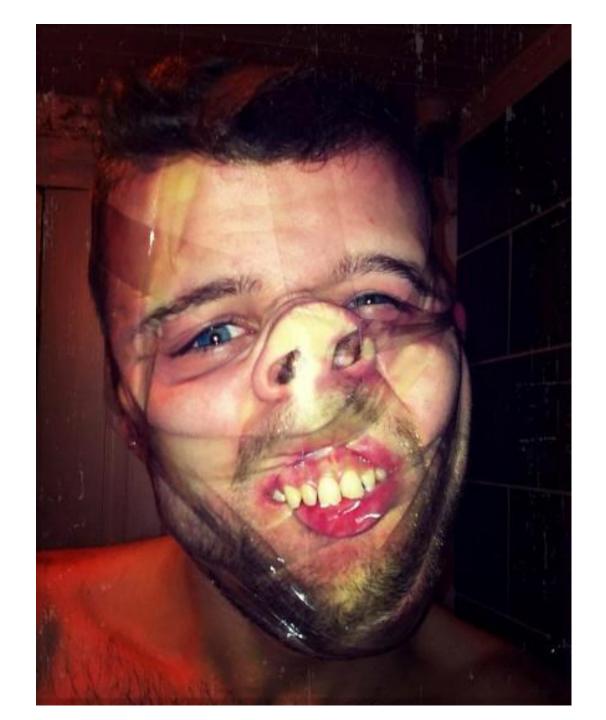
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George

41-8-4 Juvenile Phone Use

This statute is not about selfies???





41-8-4 < 18 and Driving

- Under 18 = no wireless telephone use to communicate with another person while operating a motor vehicle upon a highway of this state.
- Affirmative defenses to a violation of this section, Using a phone:
 - during a medical emergency;
 - when reporting a safety hazard or requesting assistance relating to a safety hazard;
 - when reporting criminal activity or requesting assistance relating to criminal activity; or
 - when communicating with a parent or legal guardian.
- Infraction with maximum \$25 FINE.
- It is not a reportable violation.
- The Driver License Division may not assess points under Section <u>53-3-221</u>.

41-6a-1641 Video Display in Motor Vehicle

- A motor vehicle may not be operated on a highway if the motor vehicle is equipped with a video display located so that the display is visible to the operator of the vehicle.
- This section does not prohibit the use of a video display used exclusively for:
 - safety or law enforcement purposes if the use is approved by rule of the department under Section 41-6a-1601;
 - motor vehicle navigation; or
 - monitoring of equipment and operating systems of the motor vehicle.

41-6a-1715 Careless Driving

- A person operating a motor vehicle is guilty of careless driving if the person:
 - commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or
 - commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:
 - searching for an item in the vehicle; or
 - attending to personal hygiene or grooming.
- A violation of this section is a class C misdemeanor.
- In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection <u>53-3-218</u>(6).

41-6a-1716 Handheld Wireless Use While Driving

- "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires
- "Handheld wireless communication device" includes a:
 - wireless telephone;
 - text messaging device;
 - laptop; or
 - any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.
- a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:
 - write, send, or read a written communication, including:
 - a text message;
 - an instant message; or
 - electronic mail;
 - dial a phone number;
 - access the Internet;
 - view or record video; or
 - enter data into a handheld wireless communication device.

Handheld Wireless Device Cont'd

- A person is not prohibited from using a handheld wireless communication device while operating a moving motor vehicle:
 - when using a handheld communication device for voice communication;
 - to view a global positioning or navigation device or a global positioning or navigation application;
 - during a medical emergency;
 - when reporting a safety hazard or requesting assistance relating to a safety hazard;
 - when reporting criminal activity or requesting assistance relating to a criminal activity;
 - when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
 - or to operate:
 - hands-free or voice operated technology; or
 - a system that is physically or electronically integrated into the motor vehicle.
- A person convicted of a violation of this section is guilty of a:
 - class C misdemeanor with a maximum fine of \$100; or
 - class B misdemeanor if the person:
 - has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or
 - has a prior conviction under this section, that is within three years of:
 - the current conviction under this section; or
 - the commission of the offense upon which the current conviction is based.

76-5-207.5 Automobile Homicide with Handheld Wireless Device

- Criminal homicide is automobile homicide, a third degree felony, if the person operates a moving motor vehicle in a negligent manner:
 - while using a handheld wireless communication device in violation of Section 41-6a-1716; and
 - causing the death of another person.
- Criminal homicide is automobile homicide, a second degree felony, if the person operates a moving motor vehicle in a criminally negligent manner:
 - while using a handheld wireless communication device in violation of Section 41-6a-1716; and
 - causing the death of another person.